

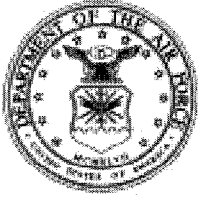
U.S. EXHIBIT G

**BY ORDER OF THE
SECRETARY OF THE AIR FORCE**

AIR FORCE INSTRUCTION 32-9003

19 AUGUST 1997

Civil Engineering



GRANTING TEMPORARY USE OF AIR FORCE REAL PROPERTY

COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

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OPR: AFREA/MI (Julia A. Talbott)
Supersedes AFI 32-9003, 22 July 1994.

Certified by: SAF/MI (A. R. Jonkers)
Pages: 38
Distribution: F

This instruction implements Air Force Policy Directive (AFPD) 32-90, DoD Directive 1000.10, 1000.11, 4165.6, 5160.63, and 6050-8; and DoD Instructions 1000-12 and 1000.15. It explains procedures and names those responsible for granting temporary use of real property owned and controlled by the Air Force worldwide. It does not apply to industrial real property. For definitions of terms used in the instruction, see **Attachment 1**.

SUMMARY OF REVISIONS

This interim change (IC) 97-1 provides guidance for MAJCOM responsibilities and revises the dollar amount for leases and licenses; adds launch services for commercial space launch activities guidance; revises the utility company contacts; revises the outgranting of non-DoD owned hazardous or toxic materials; revises the flood plains and flood hazards and wetlands instructions; revises AICUZ instructions; revises the outgrants to private organizations overseas instructions; revises the deposit of money instructions; revises the outgranting of grazing and crop land lease instructions; revises the hazardous wastes and materials instructions; adds a permit format instruction; revises cable television service instructions; adds instructions for commercial antennas; revises Chapter 6 on banks and credit unions. A (/) indicates revisions from previous edition.

U.S. EXHIBIT G

Chapter 1

GENERAL PROCEDURES AND RESPONSIBILITIES

1.1. Granting Temporary Use of Air Force Real Property. The installation commander can grant temporary use of Air Force real property to others if:

- The Air Force is not using the property or does not need it for military purposes now.
- Such use does not interfere with the mission.
- Use does not cost the Air Force much money.
- Use is compatible with Air Force needs, security, and safety.

1.2. Utilities and Other Services. See AFI 32-1061, *Providing Utilities to USAF Installations*, to determine when utilities and other services are supplied with reimbursement or without reimbursement.

1.2.1. Charging Users Fair Market Value. Installation commanders and MAJCOMs must charge users who do not directly support the installation mission the appraised fair market rental. **EXCEPTIONS:** waive charges for:

- An outgrant in connection with a Federal-aid highway project or a defense access road.
- Users who provide demonstrable benefits to the Government.
- Buildings with administrative costs equal to or exceeding the charge.
- Licenses to a nonprofit, educational, civic, or charitable organization.

1.2.2. Responsibility for Maintenance and Repair. Installation commanders and MAJCOMs must require users to pay rent or reimburse the Air Force for services it provides, such as maintenance and repair (M&R), protection, or restoration of the outgranted property.

1.2.3. Assuming Liability. Installation commanders must make sure users demonstrate sufficient financial responsibility to assume liability for loss or damage to Air Force real property and for third-party bodily injury and property damage. Users also buy and keep sufficient insurance to cover liabilities. **EXCEPTION:** Do not apply this requirement to state, county, or local government agencies prevented by law from assuming responsibility.

1.3. Priorities and Order of Preference for Real Property Use. Assign unused space on an installation, according to the following order of preference:

- Appropriated activities of the DoD component hosting the installation.
- Nonappropriated activities of the DoD component hosting the installation.
- Activities of other DoD tenants.
- Other Federal agencies providing installation services, such as a post office or the Federal Aviation Administration (FAA) at an air field.
- All others, for instance, private organizations.

1.3.1. Make exceptions to these priorities when it best serves the installation.

1.3.2. Installation commanders follow this order of preference when granting others the use of Air Force real property:

U.S. EXHIBIT G

Chapter 3

LICENSES AND PERMITS

3.1. License Authority. Installation commanders and MAJCOMs may grant a license for temporary use of Air Force real property. License terms must not be more than 5 years unless SAF/MII approves it. The conditions for licensing are:

- The licenses must be revocable at the discretion of the Secretary of the Air Force.
- The use must serve public interest or directly benefit the United States.

3.1.1. The Secretary of the Air Force issues the license in unusual situations involving activities for which no specific statutory authority exists.

3.2. Consideration . Licensees pay a fee, except:

- Nonprofit organizations.
- State, county, city, or other political subdivisions.

3.2.1. Rents received from licenses must go to the Treasury Department Miscellaneous receipts.

3.2.2. Revenue received from the sale of utilities and other services goes to the installation's O&M account. See AFI 32-1061 for guidance on utility sales agreements and rates.

3.3. License Insurance . The licensee insures the licensed property and improvements for their full replacement value. Waive insurance requirement if:

- The improvements were incidental to acquiring the land and serve no Government need.
- The licensee occupies only part of an Air Force building.
- The building or facility has little value.
- The use the licensee proposes presents little risk.

3.3.1. The licensee carries third-party insurance for accidental death, personal injury, and property damage. This may be waived if the licensee is a fraternal, civic, or social welfare group.

3.3.1.1. Waiver requests must be written and approved.

3.3.1.2. Review waiver requests thoroughly to assess risk.

3.4. Administrative Authority . Under this authority, the installation commander may issue license for:

- Telecommunication Service.
- Telephone Cable.
- Materials From Borrow Pits.

3.4.1. Telecommunication Services. Send all requests for telecommunication services through real property management channels to the appropriate authority. See chapter 2 for more information.

3.4.1.1. The MAJCOMs and installation REMOs keep copies of the outgrants or contracts.

3.4.2. Telephone Cable. Incorporate telephone company licenses in a service contract.

U.S. EXHIBIT G

3.4.2.1. The contracting office draws up the service contract according to the Federal Acquisition Regulation FAR).

3.4.2.2. Coordinate contracting and licensing with the base communications officer and keep a copy of the service contract at the MAJCOM and REMO.

3.4.2.3. Do not charge local exchange companies (LEC) for using Air Force real property when only the installation has official telephone service.

3.4.2.4. Charge the LEC fair market rent for using existing Air Force real property, including supporting structures such as poles, conduits, and manholes. Waive this charge when doing so best serves the Air Force. Consider charges if:

- Unofficial Service on the Installation. (Private telephone service to military family housing.)
- Unofficial Service off the Installation. (Use of Air Force real property to provide service to customers off the Installation.)

3.4.2.5. Do not charge the LEC for using Air Force land to install its cables or other supporting structures to provide unofficial service on the installation. The Air Force wants telephone service for unofficial customers on base.

3.4.3. Borrow Pits. Issue a free license to a state or other political subdivision for removing materials from borrow pits for constructing or maintaining:

- A road within the Air Force installation.
- Roads outside the Air Force Installation that benefit the installation and the public.

3.5. Express Statutory Authority : The following statutes allow the Air Force to issue licenses for using its property:

- Civil Air Patrol (CAP) - 10 U.S.C 9441
- Air National Guard (ANG) -32 U.S.C. 503
- American Red Cross (ARC) -10 U.S.C. 2670 and 2602
- Young Men and Women Christian Associations (YMCA and YMCA) - 10 U.S.C. 9778.
- Post Offices - 10 U.S.C. 9779.
- Miscellaneous Licenses - 10 U.S.C. 9777.

3.5.1. Civil Air Patrol (CAP).

3.5.1.1. The installation commander may license CAP units to use Air Force facilities for free. USAF CAP liaison officers and staff are active duty Air Force personnel or civilian employees, and do not need licenses to use space. (See AFI 36-5001, *Civil Air Patrol*).

3.5.1.2. The Air Force may pay to maintain and repair buildings and facilities CAP units occupy if the Air Force will later need them.

3.5.2. National Guard. The Secretary of the Air Force may license state National Guard to temporarily use and occupy space on military installations. These licenses are revocable and for an undefined term.